

## Remarks

### I. Introduction

This is in response to the Office Action dated June 17, 2005. The Office Action rejected claims 1-24 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,787,253 to McCreery et al. (McCreery).

In response, Applicants have amended claims 1, 13, 14, and 18. Applicants have also canceled claims 9 and 21. Claims 1-8, 10-20, and 22-24 remain for consideration. Applicants also submit herewith a Request for Continued Examination in response to the finality of this Office Action.

### II. Rejections under 35 U.S.C. §102

Claims 1-24 were rejected under 35 U.S.C. §102(b) as being anticipated by McCreery. In order for a claim to be anticipated under 35 U.S.C. §102, **each and every** limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). In the present case, McCreery does not show each and every limitation of claims 1-8, 10-20, and 22-24. Therefore, Applicants request the withdrawal of the rejection under 35 U.S.C. §102(b).

The present invention is generally directed to a method and system for monitoring traffic in a network. A network interface has a run-time system, or first module, and one or more programmable processing modules executing on the network interface. The run-time system module feeds information derived from a network packet to the processing modules which process the information and generate output, such as condensed statistics, about the packets traveling through the network. The same processing module may be used and reused, with different parameters passed to the module.

McCreery is directed to an internet activity analyzer that includes a network interface controller, a packet capturing module, a packet analysis module, and a data management module. The network interface controller is connected to a transmission medium for a network segment and is arranged to

receive the stream of data packets passing along the medium. (Abstract). The packet analysis section receives the buffered packet data and decodes certain information in the packets to provide information such as the sources and destinations of the packets. (Col. 4, lines 63-66). The internet activity analyzer includes a central processing unit (CPU) and an input device. The CPU provides signals for processing the packets based on user input. (Col. 7, lines 7-15). For the reasons discussed below, McCreery does not anticipate the presently claimed invention under the strict §102 standard as set forth above.

Independent claim 1 is directed to a method for monitoring traffic in a network. Claim 1, as amended, contains the limitation of:

wherein the first module can pass parameters to the at least one programmable processing module, thereby changing the processing performed by the at least one programmable processing module.

McCreery does not disclose that a first module can pass parameters to a programmable processing module in order to change the processing performed by the programmable processing module. McCreery discloses the internet activity analyzer including a CPU and an input device such as a keyboard and a mouse. McCreery further discloses that the CPU, as configured by the user through the input device, provides signals for processing the packets which traverse the network medium. McCreery does not, however, disclose **a first module passing parameters** to a programmable processing module, thereby changing the processing performed by the programmable processing module. McCreery does not disclose using a programmable processing module and then reusing it with different parameters being passed to the module.

The Office Action states that McCreery discloses a first module passing parameters to a programmable processing module, thereby changing the processing performed by the at least one programmable processing module and cites column 7, lines 33-50 as support. McCreery discloses that "the packet analyzer 324 receives the raw packet data through the system bus 302 and

includes routines which decode the raw packet data into coherent information such as that regarding its source and destination, recompiles data from a plurality of packets from exchanges between nodes into raw transaction data and translates the data in the packets at the applications level to identify instructions in the transactions between the nodes.” (Col. 7, lines 33-40). McCreery only discloses, however, that the packet analyzer includes routines which decode the raw packet data into coherent information. McCreery does not disclose a first module passing parameters to any portion of the internet activity analyzer. These distinctions render McCreery unable to anticipate claim 1 under §102.

Independent claim 13 is allowable for reasons similar to those described above in connection with claim 1. In particular, claim 13 is an apparatus for monitoring traffic in a network. Claim 13, as amended, contains the limitation of:

(b) at least one programmable processing module in communication with the first module and processing information in the at least one data packet to generate network information,

wherein the first module can pass parameters to the at least one programmable processing module, thereby changing the processing performed by the at least one programmable processing module.

Thus, the claim requires that the first module can pass parameters to the at least one programmable processing module, thereby changing the processing performed by the at least one programmable processing module. For the reasons described above, McCreary does not disclose a first module passing parameters to the at least one programmable processing module. Thus, McCreary does not anticipate each and every limitation of claim 13.

For the reasons discussed above, independent claims 1 and 13 are allowable over McCreary. Dependent claims 2-8, 10-20, and 22-24 depend upon an allowable independent claim and are therefore also allowable. In addition, these dependent claims add additional patentable subject matter and are also allowable for the reasons discussed below.

Dependent claims 3 and 15 contain the limitation that the at least one programmable processing module is generated from a processing query expressed in a high-level language. The Office Action states that McCreary discloses the limitations of claims 3 and 15 in col. 7, lines 16-26. In particular, McCreary discloses, in col. 7, lines 16-26, that the "internet activity analyzer 300 preferably uses a conventional operating system such as MacOS but the artisan will recognize that a variety of alternative operating systems may be implemented such as Windows or UNIX." McCreary does not, however, disclose a processing query that is expressed in a high-level language being used to generate a programmable processing module. Therefore, dependent claims 3 and 15 are allowable.

Dependent claims 10 and 22 contain the limitation that the first module can instantiate new processing modules dynamically. The Office Action states that McCreary discloses this limitation with a data indexing and stripping module that manipulates data sets. (Col. 12, lines 60-62). McCreary does not, however, disclose instantiating new processing modules. Therefore, dependent claims 10 and 22 are allowable.

Dependent claims 2, 4-8, 11-14, 16-20, and 23-24 are allowable for the reasons stated above and because they depend from an independent claim.

III. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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